

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
JEREMY J. CURCURI
BROOKS KUSHMAN
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference CCCI0122PCT1		Date of mailing (day/month/year) 18 DEC 2006
		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US05/02627	International filing date (day/month/year) 31 January 2005 (31.01.2005)	Priority date (day/month/year) 29 January 2004 (29.01.2004)
International Patent Classification (IPC) or both national classification and IPC IPC: H04N 7/18(2007.01), 7/173(2007.01) USPC: 725/82,91,92,116		
Applicant WOUNDY, RICHARD M		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 14 November 2006 (14.11.2006)	Authorized officer Son P. Huynh Telephone No. 571-272-7295
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Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/02627

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
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International application No.
PCT/US05/02627

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-21 YES
Claims NONE NO

Inventive step (IS)

Claims NONE YES
Claims 1-21 NO

Industrial applicability (IA)

Claims 1-21 YES
Claims NONE NO

2. Citations and explanations:

Claims 1-21 lack an inventive step under PCT Article 33(3) as being obvious over Handler et al. (US 2001/0019559 A1) in view of Burns et al. (US 6,275,496).

Regarding claims 1, 8, 15, Handler discloses a method, a system including a plurality of headend facilities (ISP 1 headend, ISP 2 headend, ISP 3 headend), with multiple location consumer communication and content delivery system, the system including a central database (e.g. database server 704), the system including a distributed information technology architecture wherein a back office IT infrastructure is located at the central facility (e.g. maintenance workstation, operation support system database, etc. in the data center) and wherein each headend facility includes a headend IT infrastructure - see figures 5-11. Handler discloses the data center is responsible for managing the connectivity between the various ISPs headend and their particular end-user customer with policies such as level of access, billing capability, asset management capabilities, etc. (figures 12-8-14, paragraphs 0050-0054). Thus, a policy is provided to a headend IT infrastructure, the policy defines policy limits for transaction that normally require real time access to the central database. However, Handler does not specifically disclose handling real time transaction with the headend, without real time access to the central database, in accordance with the policy limit. Burns discloses a system comprises content server connected to multiple headend (regional independence service providers - col. 2, lines 3-13); the headend manages requests received from the subscribers, the policy manager defines administer rules that determine which documents or resources are cached in the cache memory. If the requested content is already cached at the headend, the content is retrieved and provided to the subscribers without real time access to the central database (content server), in accordance to the policy/rules that the documents/resources are cached at the headend - figures 2-6, col. 4, lines 30-45; col. 8, line 1-59; col. 10, line 11-col. 12, line 32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handler to use the teaching as taught by Burns in order to eliminate latency problem (col. 4, lines 30-48).

Regarding claims 2-7, 9-14, 16-21, Handler further discloses handling non-real time transaction at least partially with the operation support system database, maintenance workstations, etc. in data center (figures 6-7), determining an availability of access to the central data base for real time transactions that fall outside of the policy limits (e.g. add new end user, create account, etc. - figure 11); determining an availability of access to the central database from headend facility (paragraphs 0072), the headend facility is for a cable television system (paragraph 0036, figure 3), central database is realized as a relational database, as an LDAP (paragraphs 0052, 0065, 0074). Burns further discloses headend handling real time transaction, without real time access to the central database, if the content are cached at the headend (figures 4-6).

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